



June 16, 2011

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

**Re: WT Docket No. 11-79
Spectrum Needs for Positive Train Control**

Dear Ms. Dortch:

Genesee & Wyoming Inc. (GWI) is a common carrier railroad holding company owning and operating some 63 short line and regional freight railroads in 26 states of the continental USA. GWI submits this letter to express its appreciation for the recent *Public Notice* issued in the above-referenced docket and urges the Commission to take prompt action to make more spectrum available and usable for the provision of positive train control ("PTC").¹

While the Rail Safety Improvement Act of 2008 mandated the implementation of interoperable PTC – which is by definition a wireless technology – it made no provision for the allocation of spectrum for such purpose, thus leaving the railroad industry to find its own spectrum solution. To facilitate interoperability, the industry has coalesced around the 220 MHz band, which shares similar propagation characteristics with the 160 MHz band that is already widely in use for railroad voice communications systems, thus enabling infrastructure sharing. However, as the Wireless Telecommunications Bureau (the "Bureau") correctly recognized, most railroads, including GWI, are concerned that adequate quantities of spectrum in the 220 MHz range are not currently available for PTC use.² A full 50% of the railroad experts surveyed in the GAO Report cited in the *Public Notice* listed the acquisition of adequate 220 MHz spectrum as a "major challenge" to PTC implementation, with another 31% citing it as a "minor challenge."³ GWI cites this issue as a "major challenge" without question.

¹ Wireless Telecommunications Bureau Seeks Comment on Spectrum Needs for the Implementation of the Positive Train Control Provisions of the Rail Safety Improvement Act of 2008, WT Docket No. 11-79, *Public Notice*, DA 11-838 (rel. May 5, 2011) ("*Public Notice*").

² *Id.* at 2 (citing United States Government Accountability Office, Report to Congressional Committees, Rail Safety: Federal Railroad Administration Should Report on Risks to the Successful Implementation of Mandated Safety Technology, at 76 (Dec. 2010) ("GAO Report")).

³ GAO Report at 76. The remaining experts responded that they had no basis on which to answer the question.

GWl specifically believes that the spectrum deficiency issue will most likely affect its operations in and around our train routes operating within the Houston, TX area, the Portland, OR areas, the Birmingham, AL and Salt Lake City, UT areas. Moreover, for those companies who operate smaller regional and short line railroads such as our Louisiana & Delta Railroad and Portland & Western Railroad, the overall cost of implementation is also a major concern.⁴ These named GWl railroads as well as other similar railroads owned by our corporation cannot afford to fund their own equipment development, and therefore must rely on the economies of scale that can only be realized by deploying equipment developed by and for the larger railroads, as well as the spectrum needs on which that equipment is designed to operate.

GWl supports and associates itself with the comments being filed by its Class I partners and other rail peers as provided in the docket by PTC-220, LLC. In particular, GWl urges the Commission to evaluate its current inventory of unused spectrum in the 217 - 222 MHz range to determine what can be made available expeditiously for PTC use, particularly in metropolitan areas where railroad traffic is densest and the associated PTC demands will be the highest. For spectrum in this range that is already licensed, the Commission would be well advised to promptly process applications for assignment of licenses to railroads planning to use the spectrum for PTC.

Finally, in order to be usable for PTC, waivers of the service rules associated with this spectrum will be needed. To provide the clarity needed for planning PTC deployments, the Commission should announce in advance the rules it will ordinarily be prepared to waive for railroads seeking to use the spectrum for PTC purposes, and any prerequisites for obtaining such waivers. It should also commit to processing waiver applications quickly (*e.g.*, within 30-60 days) once filed, especially if the applicant is not seeking rule changes outside of the "pre-approved" waiver parameters.

GWl appreciates the Bureau's interest in and efforts on behalf this important matter. It is unlikely that PTC can be properly implemented in all areas of the country consistent with Congress' directive without assistance from the Commission as described above.

Respectfully Submitted,



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⁴ See *id.* (81% of experts listing cost as a major challenge for smaller railroads); see also *id.* at summary page ("publicly funded commuter railroads may have difficulty in covering the \$2 billion that PTC is estimated to cost them").